



# Laborers' International Union of North America LOCAL 1686

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Ravalli County Commissioners

February 6, 2007

Ravalli County Commissioners  
215 S. 4<sup>th</sup> Street Suite A  
Hamilton, MT 59840

Mr. Greg Chilcott – Chairman  
Mr. Alan Thompson  
Mr. Howard Lyons

Dear Sirs:

I have been asked to write you regarding an issue with the Ravalli County's deputies' wages.

As a general rule, the issue of employee wages is a mandatory subject of bargaining. The statutes expressly require public employers to bargain with employee representatives over wages. In the case of sheriffs' deputies however, base wages and longevity are established by statute. Base wages are established by Mont. Code Ann. §7-4-2508(2) which states:

- (a) The sheriff shall fix the compensation of the deputy sheriff based upon a percentage of the salary of that sheriff ....
- (b) The sheriff shall adjust the compensation of the deputy sheriff within the range prescribed in subsection (2) (a) according to a rank structure in the office.

The term "salary of the sheriff" is likewise established by statute. Mont. Code Ann. §7-4-2503 states:

- (1) (a) The salary paid to the county treasurer ... county sheriff, county surveyor in county ....
- (2) ...
- (c) The county sheriff must receive, in addition to the salary based upon subsection (1), the sum of \$2,000 a year....

Also, Mont. Code Ann. §7-4-2510 establishes longevity pay for sheriffs' deputies in Montana.



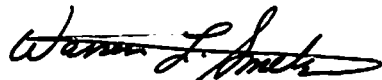
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Ravalli County has an obligation to pay the sheriffs' deputies according to the statutes. It is our understanding that Ravalli County has been calculating the compensation for the deputies using a formula that may be contrary to the above codes.

If in fact Ravalli County is calculating the compensation for the deputies under an erroneous formula the deputies would be entitled to back pay and penalties by filing individual wage claims. Montana law provides for a penalty to be assessed against an employer that fails to pay wages within 10 days of when they become due pursuant to Montana Code Ann. §39-3-206. The penalty is to be paid to the employee in an amount not to exceed 110% of the wages due and unpaid. Mont. Code Ann. §39-3-206. I would also call your attention to Mont. Code Ann. §39-3-207 which set limits on both the time to file claims and on the recovery available to claimants. The statute provides that when an employer has engaged in repeated violations, the period of recovery is limited to 3 years from the date on which a claim is filed if the employee is still employed.

Were the sheriffs deputies to file individual wage claims the back pay and penalties would be substantial. We understand the budget constraints Ravalli County is under with the new form of government being implemented. We believe it would be in the best interests of all involved to get this resolved as quickly and equitably as possible. To that end, we would like to offer our assistance in resolving this matter however you feel we would best be utilized.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren L. Smeltzer", with a stylized flourish at the end.

Warren L. Smeltzer



Administrative Office: 215 S. 4<sup>th</sup> Street, Suite B, Hamilton, MT 59840 (406) 375-6516

## **FACSIMILE TRANSMITTAL**

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*Thank you.*

<b>DATE:</b> February 7, 2007	<b>PAGES:</b> 3
<b>TO:</b>	<b>FAX No:</b> 542-2321
<b>FROM:</b> Elmer C. "Skip" Rosenthal Administrative Director	
<b>RE:</b> Ravalli County Deputies	

Jeff:

The Commissioners just received this letter today. I think we can consider ourselves noticed and believe we should move ahead. There are 2 things I would like you to do for me:

- 1- Advise on how you think we should proceed. My initial thought is to schedule a meeting and/or ask them how they would like to assist; and
- 2- Review the law on this issue and let me know your opinion as to how salaries should be calculated. Everyone is doing it different and I would like an outside and objective interpretation as to how it should be done. MACo has not really been all that helpful in getting to the final word on this issue.

I will be out on Thursday and Friday (State Wrestling Tournament in Billings) but would like to discuss this with you ASAP. If I don't hear from you I will give you a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Skip Rosenthal", written over a horizontal line.

Elmer C. "Skip" Rosenthal  
Administrative Director

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